#### [No. 304]

#### (HB 5557)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 13 and 18 of chapter XVII (MCL 777.13 and 777.18), as amended by 2000 PA 279.

The People of the State of Michigan enact:

#### CHAPTER XVII

# 777.13 Chapters 300 to 399 of Michigan Compiled Laws; felonies to which chapter applicable. [M.S.A. 28.1274(23)]

Sec. 13. This chapter applies to the following felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conservation officer	2
324.2157(3)	Property	Н	State owned property— damages of \$1,000 or more	180 days
324.3115(2)	Pub saf	$\mathbf{H}$	Waste discharge violations	2
324.3115(4)	Pub saf	G	Waste discharge violations— substantial endangerment	5
324.5531(4)	Pub saf	$\mathbf{H}$	Knowingly releasing pollutants	2
324.5531(5)	Pub saf	G	Knowingly releasing pollutants—causing death or serious	a
324.5531(6)	Pub saf	С	bodily injury Knowingly releasing pollutants— resulting in death or serious	6 15
			bodily injury	19

324.8905(2)	Pub saf	Н	Infectious waste/pathological	
924.0309(2)	1 ub sai	11	waste/sharps—littering	
			violation	2
324.8905(3)	Pub saf	G	Infectious waste/pathological	
			waste/sharps—littering	~
004 11151(0)	D 1 6		violation—subsequent offense	5
324.11151(2)	Pub saf	Н	Hazardous waste violations—	9
204 11151/2)	Pub saf	TT	subsequent offense	2
324.11151(3)	Pub sai	Н	Hazardous waste violation— with disregard for human life	2
324.11151(3)	Pub saf	G	Hazardous waste violation—	
(-)		-	with extreme indifference	
			for human life	5
324.12116(2)	Pub saf	Η	Waste—false statement or	
			entry in a license application	2
324.20139(3)	Pub saf	Η	Hazardous waste—knowingly	
			releases or causes the release	2
324.21324(1)	Pub saf	G	Underground storage tanks—	
			false or misleading	
			information	5
324.21548(1)	Pub trst	Η	False statement, report, claim,	
			bid, work invoice, or other	~
004 0001 (2/0)	D 1 C	7.7	request for payment	5
324.30316(3)	Pub saf	Η	NREPA violation—subsequent offense	2
324.31525	Person	G	NREPA—imminent danger of	2
024.01020	1 erson	G	death or serious injury—	
			subsequent offense	2
324.33939(1)	Pub trst	Н	NREPA violation for commer-	_
3=1,03030(1)	1 0.0 01.00		cial purposes	2
324.40118(11)	Pub ord	G	Wildlife conservation—buying	
, ,			selling protected animals—	
			subsequent offense	4
324.51120(2)	Property	Η	Removing forest products	
			over \$2,500	3
324.51512	Pub saf	D	Willfully setting forest fires	10
324.52908(3)	Property	Η	Illegally cutting, removing, or	
			transporting tree or other	
			plant involving \$1,000 or	400.1
004.04.74		~	more	180 days
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3
324.76107(4)	Pub trst	G	Recovering abandoned	
			property in Great Lakes without permit	2
324.80130d(1)	Pub ord	Н	False representation to obtain	4
524.00100u(1)	I uo oru	11	personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain	*
	010	<u> </u>	personal information—	
			second offense	7

324.80130d(3)	Pub ord	С	False representation to obtain personal information—third or subsequent offense	15
324.80172	Person	G	Negligent crippling or homicide by vessel	2
324.80173	Person	G	Felonious operation of a vessel	2
324.80176(4)	Person	$\tilde{\mathrm{C}}$	Operating a vessel under the influence causing death	15
324.80176(5)	Person	E	Operating a vessel under the influence causing long-term incapacitating injury	5
324.80177(1)(c	) Pub saf	Ε	Operating a vessel under the influence—third or subsequent offense	5
324.80319a(1)	Pub ord	Н	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.80319a(3)	Pub ord	С	False representation to obtain personal information—third or subsequent offense	15
324.81120(1)	Pub ord	Н	False representation to obtain personal information	4
324.81120(2)	Pub ord	G	False representation to obtain personal information— second offense	7
324.81120(3)	Pub ord	С	False representation to obtain personal information—third or subsequent offense	15
324.81134(6)	Pub saf	E	Operating an ORV under the influence—third or subsequent offense	4
324.81134(7)	Person	С	Operating an ORV under the influence causing death	15
324.81134(8)	Person	Е	Operating an ORV under the influence causing serious impairment	5
324.82126c(1)	Person	G	Operating a snowmobile care- lessly or negligently causing death or serious impairment	2
324.82126c(2)	Person	G	Operating a snowmobile with- out regard to safety causing serious impairment	2
324.82127(4)	Person	С	Operating a snowmobile under the influence causing death	15
324.82127(5)	Person	Е	Operating a snowmobile under the influence causing long-term incapacitating injury	5
			-monthornous milary	0

324.82128(1)(c)	Pub saf	E	Operating a snowmobile under the influence—third or	
			subsequent offense	5
324.82160(1)	Pub ord	Н	False representation to obtain	9
021.02100(1)	1 do ord	-11	personal information	4
324.82160(2)	Pub ord	G	False representation to obtain	-1
024.02100(2)	1 ub oru	ď	personal information—	
			second offense	7
324.82160(3)	Pub ord	$\mathbf{C}$	False representation to obtain	•
021.02100(0)	1 do ord	C	personal information—third	
			or subsequent offense	15
328.232	Property	$\mathbf{E}$	Conversion of funeral contracts	5
333.2685	Person	E	Use of a live human embryo,	Ü
333 <b>.2</b> 333	1 012011	_	fetus for nontherapeutic	
			research	5
333,2688	Person	$\mathbf{E}$	Research on dead embryo or	-
			fetus without mother's consent	5
333.2689	Person	$\mathbf{E}$	Abortion to obtain embryo	5
333.2690	Person	$\mathbf{E}$	Sale or delivery of fetus or	
			embryo	5
333.2813(3)	Pub trst	$\mathbf{F}$	Unauthorized disclosure of	
` ,			social security number—	
			subsequent offense	4
333.2835(9)	Pub trst	G	Disclosing confidential informa-	
			tion—abortion	3
333.5210	Person	$\mathbf{F}$	AIDS—sexual penetration with	
			uninformed partner	4
333.5661	Person	$\mathbf{F}$	Fraud resulting in patient death	4
333.7341(8)	CS	G	Delivery or manufacture of	
			imitation controlled substance	2
333.7401(2)(a)(i)	CS	A	Delivery or manufacture of 650	
			or more grams of certain	
			schedule 1 or 2 controlled	
			substances	Life
333.7401(2)(a)(ii)	CS	A	Delivery or manufacture of 225	
			or more but less than 650	
			grams of certain schedule	
		_	1 or 2 controlled substances	30
333.7401(2)(a)(iii)	CS	В	Delivery or manufacture of 50	
			or more but less than 225	
			grams of certain schedule 1	
			or 2 controlled	90
999 7401(9)(a)(in)	CC	D	substances	20
333.7401(2)(a)(iv)	CS	D	Delivery or manufacture of less than 50 grams of certain	
			schedule 1 or 2 controlled	
			substances	20
999 7401(9)(h)	CS	E	Delivery or manufacture of	20
333.7401(2)(b)	OB	ינו	schedule 1, 2, or 3 controlled	
			substance except marijuana	7
333.7401(2)(e)	CS	F	Delivery or manufacture of	•
550.1.101( <u>L</u> )(c)		-	schedule 4 controlled substance	4
			zenedate i controlled substance	1

333.7401(2)(d)( <i>i</i> )	CS	С	Delivery or manufacture of 45	
333.7401(2)(d)( <i>ii</i> )	CS	D	or more kilograms of marijuana Delivery or manufacture of 5 or more but less than 45 kilo-	15
333.7401(2)(d)(iii)	CS	F	grams of marijuana Delivery or manufacture of less than 5 kilograms	7
333.7401(2)(e)	CS	G	or 20 plants of marijuana Delivery or manufacture of	4
. , , ,			schedule 5 controlled substance	2
333.7401(2)(f)	CS	D	Delivery or manufacture of an official or counterfeit pre- scription form	20
333.7401(2)(g)	CS	D	Delivery or manufacture of pre- scription or counterfeit form	
333.7401a	Person	В	(other than official) Delivering a controlled substance or GBL with intent to commit criminal sexual	7
999 74011-(9)(-)	aa	173	conduct	20
333.7401b(3)(a)	CS CS	E G	Delivery or manufacture of GBL Possession of GBL	$7 \\ 2$
333.7401b(3)(b) 333.7402(2)(a)	CS	D D	Delivery or manufacture of an	4
333.1402(2)(a)	CB	D	imitation controlled substance	10
333.7402(2)(b)	CS	E	Delivery or manufacture of schedule 1, 2, or 3 imitation	10
333.7402(2)(c)	CS	F	controlled substance Delivery or manufacture of imitation schedule 4	5
333.7402(2)(d)	CS	G	controlled substance Delivery or manufacture of imitation schedule 5	4
333.7402(2)(e)	CS	C	controlled substance Delivery or manufacture of controlled substance analogue	2
333.7403(2)(a)(i)	CS	A	Possession of 650 or more grams of certain schedule 1 or 2 controlled substances	15
333.7403(2)(a)(ii)	CS	A	by juvenile Possession of 225 or more but less than 650 grams of certain schedule 1 or 2	Life
333.7403(2)(a)(iii)	CS	В	controlled substances Possession of 50 or more but less than 225 grams of certain schedule 1 or 2	30
333.7403(2)(a)( <i>iv</i> )	CS	G	controlled substances Possession of 25 or more but less than 50 grams of certain schedule 1 or 2 controlled	20
			substances	4

333.7403(2)(a)(v)	CS	G	Possession of less than 25	
			grams of certain schedule	
			1 or 2 controlled substances	4
333.7403(2)(b)	CS	G	Possession of certain schedule	
			1, 2, 3, or 4 controlled	
			substances or controlled	
			substances analogue	2
333.7403(2)(e)	CS	Η	Possession of official prescrip-	
			tion form	1
333.7405(a)	CS	$\mathbf{G}$	Controlled substance violations	
			by licensee	2
333.7405(b)	CS	G	Manufacturing or distribution	
			violations by licensee	2
333.7405(c)	CS	G	Refusing lawful inspection	2
333.7405(d)	CS	$\mathbf{G}$	Maintaining drug house	2
333.7407(1)(a)	CS	G	Controlled substance violations	
			by licensee	4
333.7407(1)(b)	CS	$\mathbf{G}$	Use of fictitious, revoked, or	
			suspended license number	4
333.7407(1)(c)	CS	$\mathbf{G}$	Obtaining controlled substance	
	~~	~	by fraud	4
333.7407(1)(d)	CS	G	False reports under controlled	_
222 - 42-(1) ( )	~~	~	substance article	4
333.7407(1)(e)	CS	G	Possession of counterfeiting	
222 = 42=(4) (4)	00		implements	4
333.7407(1)(f)	CS	F	Disclosing or obtaining	
000 5405(1)( )	aa	T-1	prescription information	4
333.7407(1)(g)	CS	F	Possession of counterfeit	4
000 5405(0)	aa	C	prescription form	4
333.7407(2)	CS	G	Refusing to furnish records	
			under controlled substance	4
999 7410a	CS	G	article Controlled substance offense	4
333.7410a	CS	G	or offense involving GBL in	
				2
333.10204(1)	Pub ord	F	or near a park Transferring a human organ	4
555.10204(1)	1 ub oru	Г	for valuable consideration	4
333.10204(4)	Pub saf	F	Removal of a human organ by	4
333.10204(4)	i ub sai	Г	an unauthorized individual	4
333.10205	Pub saf	F	Removal of a human organ in	4
999,10209	1 40 541	1	an unapproved facility	4
333.13738(2)	Pub saf	F	Waste disposal violations—	-
999:19190(2)	1 40 541	•	second offense	5
333.13738(3)	Pub saf	$\mathbf{F}$	Disposing of waste—indiffer-	9
333.13130(3)	1 40 541	•	ence to human life	2
	Pub saf	В	Disposing of waste—extreme	_
	2 010 2012	_	indifference to human life	20
333.16170(3)	Pub trst	$\mathbf{F}$	False representation—health	
		_	professional recovery program	4
333.16294	Pub saf	$\mathbf{F}$	Health profession—unauthorized	
<del>-</del>			practice	4
333.17766a(2)	CS	$\mathbf{F}$	Possession of steroids—	
• •			subsequent offense	4
			*	

333.17766a(3)	CS	Е	Delivery or manufacture of steroids	7
333.17766a(4)	CS	G	Delivery of imitation steroids	7
333.17766c(2)	CS	G	Possession of more than 10	
			grams ephedrine	2
333.20142(5)	Pub trst	$\mathbf{F}$	False statement—application	
			licensure health facility	4
333.21792	Pub trst	G	Nursing homes—referral fees/	
			bribing officials/accepting	
			bribes	4
338.3434a(2)	Pub trst	$\mathbf{F}$	Unauthorized disclosure of a	
			social security number—	
			subsequent offense	4
388.936	Pub trst	$\mathbf{F}$	Knowingly making false state-	
			ment—school district loans	4
388.962	Pub trst	$\mathbf{F}$	Knowingly making false state-	
			ment—school district loans	4

# 777.18 Additional felonies to which chapter applicable. [M.S.A. 28.1274(28)]

Sec. 18. This chapter applies to the following felonies:

M.C.L.	Category	Description	Stat Max
333.7410	CS	Controlled substance offense	
		or offense involving GBL or	
		or near school property	Variable
333.7413(2) or (3)	Pub trst	Subsequent controlled sub-	
		stance violations	Variable
333.7416(1)(a)	CS	Recruiting or inducing a minor	
		to commit a controlled	
		substance felony	Variable
750.157a(a)	Pub saf	Conspiracy	Variable
750.157c	Person	Inducing minor to commit a	
		felony	Variable
750.188	Pub ord	Voluntarily suffering prisoner	
		to escape	Variable
750.237a	Pub saf	Felony committed in a weapon	-
		free school zone	Variable
750.367a	Property	Larceny of rationed goods	Variable

#### Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2001.

### Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5556 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved October 14, 2000.

Filed with Secretary of State October 16, 2000.

Compiler's note: House Bill No. 5556, referred to in enacting section 2, was filed with the Secretary of State October 16, 2000, and became P.A. 2000, No. 302, Eff. Jan. 1, 2001.